

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 08-</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>DATE FILED: May 8, 2008</b>
	<b>:</b>	
<b>CAR CARE , INC.</b>	<b>:</b>	<b>VIOLATION:</b>
<b>NICHOLAS SAMA</b>	<b>:</b>	<b>18 U.S.C. § 371 (conspiracy to</b>
<b>TIMOTHY GIBSON</b>	<b>:</b>	<b>defraud the government, harbor</b>
<b>LEE GORDON</b>	<b>:</b>	<b>illegal aliens and commit identity</b>
<b>WILLIAM SPENCER</b>	<b>:</b>	<b>theft - 1 count)</b>
<b>HERBERT WOLF</b>	<b>:</b>	<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

---

**THE GRAND JURY CHARGES THAT:**

At various times material to this indictment:

\_\_\_\_\_ 1. From on or about March 1, 2003, to the present, Immigration and Customs Enforcement (ICE) of the Department of Homeland Security was the agency of the United States government with responsibilities for the oversight and regulation of immigration laws in the United States, including the enforcement of immigration laws in the work place. Prior to March 1, 2003, the Immigration and Naturalization Service (INS) of the Department of Justice was the agency of the United States government which carried out these responsibilities.

2. Employers in the United States could legally only hire United States citizens and aliens who were authorized by law to work in the United States. Employers facing shortages of qualified workers who were legally permitted to work in the United States could

apply for visas for temporary alien workers if the employer could establish that: (1) the alien worker would not displace United States citizen workers capable of performing the service or labor the employer requires; and (2) that hiring the alien would not adversely affect the wages and working conditions of United States citizen workers.

3. The Employment Eligibility Verification form (Form I-9) is a document which a prospective employee fills out to show that he/she is authorized to be employed in the United States. At the same time, the prospective employee presents to the employer documents which establish that employee's identity and authorization to be employed. The employer examines the documents submitted by the prospective employee and certifies on the I-9 form that the documents appear to be genuine, that they relate to the employee, and that the employee is eligible to work in the United States. By law, Form I-9s and supporting documents cannot be used to support the employment of any person other than the person named in those documents.

\_\_\_\_\_4. Defendant CAR CARE, Inc., (CAR CARE) was a wholly owned subsidiary of Mace Security International, Inc. (Mace), a publicly traded company then based in Mount Laurel, New Jersey. Mace operated diverse businesses in interstate commerce, including approximately 50 car washes located in at least six states. Beginning in approximately 1999, Mace purchased these car washes from numerous sources.

5. Car washes owned by Mace were divided into multiple divisions, based on the region in which the car washes were located. Regardless of location, all car wash divisions reported to Mace headquarters in Mount Laurel, which was responsible for setting policy, obtaining financing, setting budgets, establishing employment policy, and handling payroll and human resource functions.

6. Defendant CAR CARE owned and operated car washes owned by Mace in Pennsylvania, New Jersey, and Delaware, and CAR CARE car washes were frequently referred to within Mace as the Northeast Region of Mace's car wash operations. Defendant CAR CARE owned both self service and full service car washes. Self service car washes had few employees. Full service car washes employed numerous workers to assist in the cleaning, drying and detailing of cars.

7. Defendant CAR CARE owned and operated the following full service car wash locations:

- a. Super Bright Car Wash, 10 East Germantown Pike, Norristown, Pennsylvania 19401;
- b. Super Bright Car Wash, 1100 Bethlehem Pike, Flourtown, PA 19031;
- c. Super Bright Car Wash, 931 East Lancaster Ave, Bryn Mawr, PA 19010; and
- d. Cherry Hill Car Wash, 1505 East Marlton Pike, Cherry Hill, New Jersey.

8. Defendant NICHOLAS SAMA was the regional manager of car washes in the Northeast Region, and in this position was responsible for the oversight of all of defendant CAR CARE's self and full service car washes in Pennsylvania, New Jersey, and Delaware. Defendant SAMA reported directly to Person # 1, a person known to the grand jury (Person # 1), an officer of Mace, who maintained an office at Mace's corporate headquarters in Mount Laurel. Defendant SAMA was the only regional manager who reported directly to Person # 1 at Mace on

a regular basis. All other regional managers at Mace reported directly to Person # 2, a person known to the grand jury (Person # 2). Person # 2 reported directly to Person # 1.

9. Each full service car wash owned and operated by defendant CAR CARE had a manager and an assistant manager. All CAR CARE car wash managers reported directly to defendant NICHOLAS SAMA. Managers were responsible for the day-to-day operations at the car washes, and were able to hire workers when authorized to do so by defendants NICHOLAS SAMA and Mace. Managers set work schedules at the car washes. All defendant CAR CARE managers participated in frequent joint conference calls with defendant SAMA, during which defendant SAMA and the managers discussed employment policies, including issues pertaining to the hiring of employees and immigration issues.

10. Defendant TIMOTHY GIBSON was the manager at CAR CARE's Norristown full service car wash from in or about Spring 2005, to on or about March 13, 2006. Defendant GIBSON had also served as an assistant manager at defendant CAR CARE's other full service car washes.

11. Defendant LEE GORDON was the manager at defendant CAR CARE's Flourtown full service car wash from in or about August 2004, to on or about March 13, 2006 .

12. Defendant WILLIAM SPENCER was the manager of defendant CAR CARE's Cherry Hill full service car wash from approximately Winter 2004, to on or about March 13, 2006.

13. Defendant HERBERT WOLF was the manager of defendant CAR CARE's Bryn Mawr car wash from approximately mid- 2004 until approximately October 2005. Defendant WOLF was replaced as manager of the Bryn Mawr car wash by Person # 3, a person

known to the grand jury (Person # 3), who was manager at the Bryn Mawr car wash from approximately October 2005 until on or about March 13, 2006.

14. All CAR CARE car washes previously had other owners. Defendant CAR CARE usually retained car wash employees who had been working for the previous owners. Defendant CAR CARE and Mace relied on the I-9 forms and supporting documents the previous owner of the car washes had on file for these employees.

15. Defendant CAR CARE maintained bank accounts at a large bank (Bank A) which had branches near each of its car wash locations. Defendant CAR CARE managers faxed lists of employees to the Bank A branch closest to their car wash. At the request of defendant CAR CARE, Bank A cashed pay checks for car wash employees without requiring identification, if those employees were wearing car wash t-shirts or sweatshirts.

16. Defendant CAR CARE caused reports pertaining to wages paid to and taxes withheld from employee wages to be sent to the Internal Revenue Service and to state labor departments.

### **THE CONSPIRACY**

17. From in or about 2000, through on or about March 13, 2006, in the Eastern District of Pennsylvania, and elsewhere, defendants

**CAR CARE, INC.,  
NICHOLAS SAMA,  
TIMOTHY GIBSON,  
LEE GORDON,  
WILLIAM SPENCER, and  
HERBERT WOLF**

conspired and agreed, together and with others known and unknown to the grand jury, to:

(1) defraud the United States by impeding, impairing, obstructing, and defeating the lawful functions of ICE and its predecessor agency INS in the enforcement of the immigration laws of the United States, in violation of Title 18, United States Code, Section 371;

(2) knowingly or in reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, attempt to conceal, harbor and shield from detection, such alien in any place, including any building, that is, car washes owned by defendant CAR CARE, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii); and

(3) knowingly, in a circumstance that was in and affected interstate commerce, aid and abet the transfer, possession, and use, without lawful authority, of a means of identification of another person, in connection with any unlawful activity that constitutes a violation of federal law, that is, conspiring to defraud the United States in violation of Title 18, United States Code, Section 371, and harboring illegal aliens, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii), in violation of Title 18, United States Code, Section 1028(a)(7).

#### **MANNER AND MEANS**

It was a part of the conspiracy that:

18. Defendant CAR CARE employed illegal workers in its full service car washes.

19. At the direction of defendant NICHOLAS SAMA, defendants TIMOTHY GIBSON, LEE GORDON, WILLIAM SPENCER and HERBERT WOLF, and others known and unknown to the grand jury, would, at various times, take all or some of the following actions:

a. hire, or authorize the hiring of, illegal workers;

- b. provide, or authorize others to provide, illegal workers with the name of a former employee to use while working for defendant CAR CARE;
- c. submit the hours worked by the illegal workers to the payroll department of Mace in the names of former employees;
- d. distribute, or cause to be distributed, pay checks to the illegal workers in the names of former employees that they or others had supplied to the illegal workers;
- e. tell, or authorize others to tell, illegal workers to cash their checks at the branch of Bank A closest to the car wash, knowing the bank, at the request of defendant CAR CARE, would not require the illegal workers to show identification for employees who wore car wash t-shirts or sweatshirts;
- f. refrain from filing termination papers when illegal aliens quit so that the names of former employees could be given to new illegal workers; and
- g. borrow the names of former employees from, or lend the names of former employees to, other defendant CAR CARE car washes when a car wash ran out of names to give illegal workers.

20. Defendant CAR CARE's management, through Mace's corporate headquarters, caused the earnings of these illegal workers to be reported to the Internal Revenue Service and state agencies in Pennsylvania and New Jersey, using the names and social security numbers of the former employees.

21. Defendant CAR CARE's corporate management was aware that illegal workers were employed at CAR CARE owned car washes, but did not thoroughly investigate complaints that illegal workers were systematically employed at their car washes.

## **OVERT ACTS**

In furtherance of the conspiracy, defendants CAR CARE, NICHOLAS SAMA, TIMOTHY GIBSON, LEE GORDON, WILLIAM SPENCER and HERBERT WOLF, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. From in or about 2000, through on or about March 13, 2006, on an ongoing basis, defendant CAR CARE employed illegal workers in its car washes.
2. On or about November 1, 2004, defendant NICHOLAS SAMA, knowing that an ICE employee would be visiting the Cherry Hill car wash regarding a stolen badge from that agency, and fearing that defendant CAR CARE's employment of illegal workers at the car wash would be discovered by ICE, directed illegal workers at the Cherry Hill car wash not to come to work, which caused the Cherry Hill car wash to close on that day.
3. In or about November 2004, defendant NICHOLAS SAMA directed defendants LEE GORDON, WILLIAM SPENCER and HERBERT WOLF, and others known and unknown to the grand jury, to have illegal workers employed at defendant CAR CARE car washes obtain picture identification documents in the names in which the workers were paid, knowing that many of those employees were illegal workers who were working and getting paid in the names of former defendant CAR CARE employees.
4. In or about November 2004, at the Bryn Mawr car wash, defendant HERBERT WOLF directed Person # 4, a person known to the grand jury (Person # 4), to assist in handling paperwork pertaining to obtaining false photo identifications for illegal workers,



intending that the identification documents would consist of the photographs of the illegal workers, but the names of former defendant CAR CARE employees.

5. On or about December 3, 2005, at the Bryn Mawr car wash, Person # 3 assigned the name of former employee E.A. and a Mace payroll number to Person # 5, a person known to the grand jury (Person # 5), whom Person # 3 believed to be an illegal worker.

6. On or about January 6, 2006, at the Bryn Mawr car wash, Person # 3 gave Person # 5 a pay check in the name of former employee E.A., and told Person # 5 that Person # 5 would be able to cash the check at a nearby Bank A without identification.

7. On or about January 6, 2006, at the Bryn Mawr car wash, during a telephone conversation, Person # 3 told defendant NICHOLAS SAMA that Person # 3 had given two different illegal workers the name of the same former car wash employee at the same time. Defendant SAMA instructed Person # 3 to ask defendant LEE GORDON how defendant GORDON had resolved a similar problem at the Flourtown car wash.

8. In or about January 2006, at the Norristown car wash, defendant TIMOTHY GIBSON authorized hiring an illegal worker, and giving that worker the name of a former employee who had recently left the car wash.

9. On or about January 8, 2006, defendant LEE GORDON gave Person # 6, a person known to the grand jury (Person # 6), whom he believed to be an illegal worker, a check in the name of former employee W.G., and told Person # 6 to cash the check at Bank A near the car wash, knowing that Person # 6 had no identification, and that Person # 6 was not former employee W.G.

10. On or about January 18, 2006, Person # 7, a person known to the grand jury (Person # 7), an illegal worker who was the assistant manager at the Cherry Hill car wash, offered Person # 6, whom he believed to be an illegal worker, a job at the Cherry Hill car wash. Person # 7 told Person # 6 that Person # 6 did not need to worry about not having legal employment papers, because Person # 7 would give Person # 6 a name, that Person # 6 would be paid by a check in that name, and that Person # 6 could cash his pay checks at Bank A near the Cherry Hill car wash without presenting any identification.

11. In or about January 2006, defendants NICHOLAS SAMA, TIMOTHY GIBSON, LEE GORDON, WILLIAM SPENCER, and others known and unknown to the grand jury, during a conference call, discussed the need for all illegal workers obtain false identification documents in the name in which the employee was paid, knowing that those documents would be false, because they would contain the photograph of the illegal worker, but the name of a former employee.

12. On or about March 13, 2006, defendant TIMOTHY GIBSON authorized approximately seven illegal workers at the Norristown car wash to work, knowing that they were using the identities of former defendant CAR CARE employees. The illegal workers comprised approximately 90 percent of the employees working that day at the Norristown car wash.

13. On or about March 13, 2006, defendant LEE GORDON authorized approximately 14 illegal workers at the Flourtown car wash to work, knowing that they were using the identities of former defendant CAR CARE employees. The illegal workers comprised approximately 90 percent of the employees working that day at the Flourtown car wash.

14. On or about March 13, 2006, defendant WILLIAM SPENCER authorized approximately 23 illegal workers at the Cherry Hill car wash to work, knowing that they were using the identities of former defendant CAR CARE employees. The illegal workers comprised approximately 90 percent of the employees working that day at the Cherry Hill car wash.

15. On or about March 13, 2006, Person #3 authorized approximately 13 illegal workers at the Bryn Mawr car wash to use the identities of former defendant CAR CARE employees. The illegal workers comprised approximately 90 percent of the employees working that day at the Bryn Mawr car wash.

16. From in or about 2000, through in or about January 2006, on a regular basis, defendant CAR CARE, caused the earnings of illegal workers to be reported, in the names and social security numbers of former employees, to the Internal Revenue Service and to Pennsylvania and New Jersey state agencies.

All in violation of Title 18, United States Code, Section 371.

## NOTICE OF FORFEITURE

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violation of Title 18, United States Code, Section 371, as set forth in this indictment, defendant

#### **CAR CARE , INC.**

shall forfeit to the United States of America:

a. any property, real or personal, that constitutes or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of such offense, including, but not limited to, any and all revenues, obtained, received and otherwise earned by the following business entities in the ordinary course of business during the pendency of the conspiracy charged in Count One of this indictment, including but not limited to the sum of at least \$500,000:

1. Super Bright Car Wash, 10 East Germantown Pike, Norristown, PA 19401;
2. Super Bright Car Wash, 1100 Bethlehem Pike, Flourtown, PA 19031;
3. Super Bright Car Wash, 931 East Lancaster Ave, Bryn Mawr, PA 19010;
4. Cherry Hill Car Wash, 1505 East Marlton Pike, Cherry Hill, New Jersey; and

b. any property, real or personal, used or intended to be used to commit, or to facilitate the commission of, such offense, including, but not limited to:

1. Super Bright Car Wash, 10 East Germantown Pike, Norristown, PA 19401;
2. Super Bright Car Wash, 1100 Bethlehem Pike, Flourtown, PA 19031;

3. Super Bright Car Wash, 931 East Lancaster Ave, Bryn Mawr, PA 19010; and
4. Cherry Hill Car Wash, 1505 East Marlton Pike, Cherry Hill, New Jersey.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(6)(A)(ii).

**A TRUE BILL:**

---

**GRAND JURY FOREPERSON**

---

**PATRICK L. MEEHAN**  
**UNITED STATES ATTORNEY**